

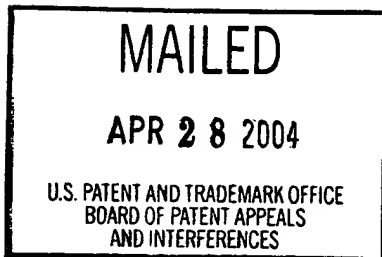
The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEE A. CHASE, ELDEAN WEIDMAYER and GREGORY R. HAULER



Appeal No. 2004-1162
Application No. 09/775,425

ORDER REMANDING TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences (BPAI) on April 1, 2004. A docketing notice was mailed from the (BPAI) on April 8, 2004. However, a second review indicates that the application is not yet ready to be assigned to a judicial panel for appeal examination. The matter(s) requiring attention prior to panel assignment is/are identified below:

On July 28, 2003, an Examiner's Answer was mailed (Paper No. 23) in response to the appellants Brief filed May 5, 2003 (Paper No. 22). A review of the Examiner's

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Answer reveals that the information contained therein is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., rev. 1, Feb. 2003).

According to MPEP § 1208:

Briefs must comply with 37 CFR 1.192, and all examiner's answers filed in response to such briefs must comply with the guidelines set forth below.

(A) REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

...

(9) *References of Record*. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

The Examiner's answer in this application does not contain a section with the ***References of Record*** heading nor is there a listing of the references relied upon anywhere else in the answer, hence it does not conform to (9) above.


Accordingly, it is

ORDERED that the application is remanded to the examiner to submit a revised Examiner's Answer listing the references of record relied on in his rejections and for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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CF/vsh

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